

#5
12-15-03

BY HAND DELIVERY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Daly et al.

Confirmation No.: 7385

RECEIVED

Serial No.: 09/672,148

Group Art Unit: 2654

NOV 27 2002

Filed: 09/28/2000

Examiner: Richmond Dorvil

Technology Center 2600

For: MODULAR DIGITAL RECORDING
LOGGER

Attorney Docket No.: 8740-049

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of:
 - ☒ Each U.S. patent application publication and U.S. and foreign patent;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☒ all other information or portion which caused it to be listed on the PTO-1449.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

NY2 - 1372487.1

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /AAA/

- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☐ Before the mailing of the first Office action on the merits;
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
 - ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☒ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☒ Certification Statement *(applicable if Item 3a or Item 4 is checked)*
- 5a. ☒ Items AJ, AK, and AO listed on the enclosed Form 1449 were mailed to applicant's attorneys for a foreign counterpart application in July 2002, but were not made known to applicant's attorneys for this U.S. application until November 2002, less than three months prior to the filing of this Information Disclosure Statement. Item AA is the corresponding U.S. patent for item AJ.

- 5b. ☒ It is certified that items AP and AQ listed on the enclosed Form 1449 were first cited to applicant's attorneys for this application not more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).
7. ☐ This is a Supplemental Information Disclosure Statement. (Check either Item 7a or 7b)
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability and no representation is made that a search has been performed (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date November 25, 2002



38,704
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of Americas
New York NY 10036-2720
(212) 790 - 9090

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

NOV 27 2002

ATTY. DOCKET NO. 8740-049
 APPLICATION NO. 09/672,148
 APPLICANT Technology Center 2600
 Daly et al.
 FILING DATE 29 SEPT 2000
 GROUP 2641

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,404,455	4 APR 95	Daly et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AJ	2,085,753	1998/02/29	Canada				
	AK	0 550 275 A2	1993/07/07	European Patent Office				
	AL							
	AM							
	AN							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	Summons to Attend Oral Proceedings Pursuant to Rule 71(1) EPC, mailed July 5, 2002
	AP	"Random-Access Editing of Digital Audio," R.B. Ingebreten & T.G. Stockham, Jr., J. Audio Eng'g Soc., v. 32, March 1984, pp. 114-122
	AQ	"A Flexible Digital Sound-Editing Program for Minicomputer Systems," M. Griffiths & P.J. Bloom, J. Audio Eng'g Soc., v. 30, March 1982, pp. 127-134

EXAMINER

/Angela A Armstrong/

DATE CONSIDERED

05/26/2009

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.